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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 0879-0281P	
	Application Number 09/678,333-Conf. #4816	Filed October 3, 2000	
	First Named Inventor Mikio WATANABE		
	Art Unit 2622	Examiner Y. K. Aggarwal	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number 32,181</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34.</p> <p> Signature</p> <p>Marc S. Weiner Typed or printed name</p> <p>(703) 205-8000 Telephone number</p> <p>March 20, 2007 Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of 1 forms are submitted.</p>			



Serial No. 09/678,333
Attorney Docket No. 0879-0281P

The Examiner has made clear errors in interpreting the claim language and applying the appropriate tests and applying the prior art in rejecting claims 1-3, 7-9, 13, 14, 16 and 17 under 35 U.S.C. §103(a) as being unpatentable over *Greer et al.* (USP 5,959,622) in view of *Katsuhiro* (JP 04098996) and further in view of *Pine* (USP 6,714,260); claims 1, 3 and 9 under 35 U.S.C. §103(a) as being unpatentable over *Koide* (JP 2000134513) in view of *Katsuhiro* and further in view of *Pine*; claim 4 under 35 U.S.C. §103(a) as being unpatentable over *Greer et al.* in view of *Katsuhiro* and *Pine* and further in view of *Kiyokawa* (USP 6,204,877); claims 6, 10 and 12 under 35 U.S.C. §103(a) as being unpatentable over *Greer et al.* in view of *Katsuhiro* and *Pine* and further in view of *Yokota et al.* (USP 5,847,662); claim 5 under 35 U.S.C. §103(a) as being unpatentable over *Greer et al.* in view of *Kiyokawa*, *Katsuhiro* and *Pine* and further in view of *Yoshizawa et al.* (USP 4,802,201); and claim 11 under 35 U.S.C. §103(a) as being unpatentable over *Greer et al.* in view of *Katsuhiro*, *Pine*, and *Yokota et al.* and further in view of *Anderson* (USP 6,233,016).

The Examiner is Misinterpreting the Plain Language of the Claims

The Examiner has made a clear error by misinterpreting the claim language as recited at least in claim 1.

In the outstanding Official Action, the Examiner combines the teachings of *Katsuhiro* and *Pine* with the teachings of *Greer et al.* In support of his rejection of the claim, the Examiner admits that *Greer et al.* fails to teach “an oscillation section that stops the pausing of the carrier frequency when the image is being captured by the information recording device.” The Examiner relies on the teachings of *Katsuhiro* to cure the deficiencies of the teachings of *Greer et al.* asserting “*Katsuhiro* teaches stopping the output of a clock signal for an oscillation circuit when

there is no change in an input signal to an external device or transmission line and starting the output of the clock signal when there is any change in order to reduce the power consumption due to a dark current.”

Applicant respectfully submits that the Examiner is mischaracterizing the claimed invention. The invention set forth in claim 1 recites, *inter alia*, “wherein said **controller causes said carrier generating section to pause the generation of the carrier** when the information recorder receives in instruction to capture an image.” In contrast, and opposite to what is recited in the claim, the Examiner interprets this claim language to recite “an oscillation section that **stops the pausing** of the carrier frequency when the image is being captured by the information recording device.” Applicant’s claimed invention clearly recites “**controller causes said carrier generating section to pause the generation of the carrier** when the information recorder receives in instruction to capture an image.” In other words, upon receipt of the instruction to capture an image, the carrier pauses the generation of the carrier.

Based upon the plain language of the claim, Applicant respectfully submits that the Examiner’s interpretation of the claim as meaning “an oscillation section that stops the pausing of the carrier frequency when the image is being captured” is wholly improper.

Claims 3, 9 and 15 include elements similar to those discussed with regard to claim 1 and thus the Examiner’s interpretation of the language of claims 3 and 9 are wholly improper.

**The Examiner Fails to Establish a Prima Facie Case of Obviousness
under 35 U.S.C. § 103 Based on *Greer et al./Katsuhiro/Pine***

The Examiner has made clear error in considering certain claim elements are taught by taking an unduly broad interpretation of the claim language and the teachings of the prior art.

The Examiner asserts that “*Katsuhiko* teaches stopping the output of a clock signal for an oscillation circuit when there is no change in an input signal to an external device or transmission line and starting the output of the clock signal when there is any change in order to reduce the power consumption due to a dark current.” However, Applicant respectfully submits that *Katsuhiko* teaches the exact opposite of the claim element. As recited in the Abstract of *Katsuhiko*, “monitor circuits 39, 40 (input state monitor means and control means) detect a change in an input signal from switches SW0-SW7 (external devices) or a change in an input signal (a signal for a tail lamp and for driving a door lock solenoid) from a communication bus line L (transmission), and when the input signal of the switches SW0-SW7 or the communication bus line L has no change, the output of the clock signal for an oscillation circuit 38 is stopped and when there is any change in the input signal of the switches SW0-SW7 or the communication bus line L, the output of the clock signal for the oscillation circuit 38 is started.”

As can be seen from the teachings of *Katsuhiko*, when there is no input, the oscillation is stopped. This teaching is the exact opposite of the claim language. Claim 1 clearly recites that when input has changed (received input to capture an image), the oscillation is stopped.

As such, Applicant respectfully submits that *Katsuhiko* fails to cure the deficiencies of the teachings of *Greer et al.* As *Pine* fails to teach or suggest this claim element, Applicant maintains that the Examiner has failed to establish *prima facie* obviousness by failing to provide references, either alone or in combination, which teach or suggest all of the claim elements.

It is respectfully requested that the outstanding rejection be withdrawn as claim 1 is patentable over the references as cited.

Claims 2, 13-14, and 16-17 are allowable for the reasons set forth above with regard to claim 1 at least based on their dependency on allowable claim 1. Claims 3, 9 and 15 include

elements similar to those discussed with regard to claim 1 and thus claims 3 and 9, together with claims dependent thereon, are allowable over the references as cited.

**The Examiner Fails to Establish a Prima Facie Case of Obviousness
under 35 U.S.C. § 103 Based on Koide/Katsuhiro/Pine**

The Examiner has made clear error in considering certain claim elements are taught by taking an unduly broad interpretation of the claim language and the teachings of the prior art.

The Examiner alternatively rejected claims 1, 3 and 9 under 35 U.S.C. §103 as being unpatentable over *Koide* in view of *Katsuhiro* and *Pine*.

The Examiner relies on *Katsuhiro* to cure the deficiencies of *Koide* asserting *Katsuhiro* teaches “stopping the pausing of the carrier frequency when the image is being captured by the information-recording device.” However, for the reasons set forth above, Applicant respectfully submits that the Examiner is incorrectly interpreting the claim language and, further, *Katsuhiro* teaches the opposite of the claim element.

As *Katsuhiro* fails to cure the deficiencies of the teachings of *Koide*, and, as *Pine* fails to teach or suggest this claim element, Applicant maintains that the Examiner has failed to establish *prima facie* obviousness by failing to provide references, either alone or in combination, which teach or suggest all of the claim elements. It is respectfully requested that the outstanding rejection be withdrawn.

Conclusion

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: March 20, 2007

Respectfully submitted,

By 

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